



R.C.S. NO. 148/2020

ORDER BELOW Exh.No.29
(Passed on 20th January, 2021)

The plaintiff has filed the present application under the provision of Order 6 Rule 17 of the Code of Civil Procedure.

02. Perused the application and say filed by defendant no. 1 and 2 at Exh. 34. Heard the Ld. Adv. for both sides.

03. In brief, facts of the present application are as follows:

The plaintiff states that, he has filed present suit for permnent injunction. The present applicant contended that, the sale deeds in respect of suit property have been executed by defendant no 1 to 3 bearing Registration No. 3335/2020 dated 01/09/2020 and 2168/2020 dated 04/09/2020 in respect of suit property. Therefore, plaintiffs prayed for seeking direction to add proposed defendant no. 4 to 15 and to amend the plaint by adding the pleading in respect of said alienation of suit property and the relief sought in respect of the same. The applicants prayed for amendment of plaint upon addition of pleading mentioned in the present application at para no. 2 to 7 in relevant paragraph's in the original plaint.

04. The defendants in their say, resisted the application and denied all the contentions of the application as false. They therefore prayed to reject the application.

05. On the basis of pleadings of the application and say filed, the documents on the record following points arise for determination and I have recorded my findings thereon with reasons as under:

Sr.No.	Points	Findings
1.	Whether the applicant prove that he is entitled for the relief claimed for in pursuance of provision under Order 6, Rule 17 of the Civil Procedure Code ?	In Affirmative
2.	What Order ?	Application is allowed

REASONS

As to point No. 1 :-

06. The applicant states that, the proposed amendment does not change the nature of the suit nor causes prejudice to the defendants and therefore prays to allow the application.

07. Having considered the submissions made on behalf of both the parties and on perusal of record it appears that, the plaintiff by way of present application prayed for addition of proposed defendant no. 4 to 15 and for seeking amendment in the plaint accordingly. Considering the material on record I am of the view that, the alienation in respect of suit property has been made vide sale deeds filed on the record by the applicant alongwith list at Exh.

32. serial no. 9 and 10. By way of present application the basic structure of the suit would not be change. The proposed amendment being in consonance with the pleading in the original plaint neither the nature of the suit changes nor the proposed amendment cause prejudice to the defendants. The material on the record reveals that, the applicant is entitled to claim relief against proposed defendant no. 4 to 15. Therefore, I answer point no. 1 in the affirmative.

08. In view of answer and finding on point no. 1 the application is deserves to be allowed. Therefore, in answer to point no. 2. I proceed to pass following order:

ORDER

- 1] Application Exh.29 is allowed.
- 2] The plaintiff is directed to carryout proposed amendment and file amended copy of plaint within 14 days from the date of this order.
- 3] The plaintiff is directed to serve the copy of amended plaint to defendants and proposed defendant no. 4 to 15 with due deligence.
- 4] Costs in cause.
- 5] Parties to take note accordingly.

Place : Daund.
Date : 20/01/2021.

(Smt. A. A. Lagare)
3rd Jt Civil Judge, Jr.Division Daund
Tal.-Daund, Dist.-Pune.

CERTIFICATE

I affirm that the contents of this P. D. F. file issue are same,
word to word, as per the original Judgment.

Name of the Stenographer	:	Smt. Kadam. P. D
Court	:	Smt. A. A. Lagare CJJD & JMFC, Daund, Dist. Pune.
Date	:	20/01/2021.
Judgment signed by the presiding officer on	:	20/01/2021.
Judgment uploaded on	:	20/01/2021.